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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,509	02/25/2004	Bradley A. Rose	WMS-039	3991
30223	7590	02/01/2008		
NIXON PEABODY LLP 161 N. CLARK STREET 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER WONG, JEFFREY KEITH	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 02/01/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/786,509

Applicant(s)

ROSE, BRADLEY A.

Examiner

Jeffrey K. Wong

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7, 10-15, 17, 20-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 10-15, 17 and 20-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Objections*

1. Claim 23 is objected to because of the following informalities:

In claim 23, line 6, the claimed limitation "one or more indicia" should be "the one or more indicia".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 10, 12, 15, 20 and 22-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Angel (U.S. Patent No. 6,695,695).

Claim 1, Angel discloses a method of conducting a wagering game comprising conducting a selection game including displaying a plurality of selectable objects (e.g. simulated players 60-64 with five cards dealt 65 as depicted in Fig. 6) superimposed over a setting (e.g. on the table as depicted in Fig. 6); selecting one or more of the intermingled selectable objects and revealing one or more indicia associated with the selected objects (e.g. player 60 is selected and cards 65 in the respective player 60 is revealed as depicted in Fig. 7; col. 7, lines 7-10. Objects are intermingled with one

another such that they overlap and are intermingled with that of the table being displayed); and after completing the selection game, displaying a second display image distinct from the first display image and replacing the first display image in whole or in part (the second display image as depicted in Fig. 8), the second display image presenting the selected objects and their associated indicia in a first group in a first region (e.g. the selected object 60 and its associated indicia 67 as depicted in Fig. 8), the second display image presenting the unselected objects and their associated indicia in a second group in a second region separated from the first region, the first and second groups being segregated such that the objects in the respective first and second groups are not intermingled (e.g. the unselected objects 61-64 and their associated cards indicia next to them as depicted in Fig. 8).

Re claim 5, Angel discloses revealing the indicia in proximity to the respective selected objects (e.g. revealing the cards 67 in proximity to the selected player 60 as depicted in Fig. 7).

Re claim 10, Angel discloses presenting the first display image and the second display image on a common display 1 (Fig. 1).

Re claim 12, refer to discussion in claim 1 above. Angel, further, discloses a value input device 20 (Fig. 1) for receiving a wager from a player; a display 1 (Fig. 1) for presenting a plurality of intermingled selectable objects in a first display image; a controller for

operating the wagering game as claimed (col. 5, lines 48-50).

Re claim 15, Angel discloses revealing the indicia in proximity to the respective selected objects (e.g. revealing the cards 67 in proximity to the selected player 60 as depicted in Fig. 7).

Re claim 20, Angle discloses presenting the second display image on the display 1 (Fig. 1).

Re claims 22 and 24, refer to discussion in claim 1 above.

Re claim 23, Angel discloses a method of conducting a wagering game comprising displaying a plurality of selectable objects in a first display image, each of the intermingled selectable objects having a respective location in the first display image (e.g. simulated players 60-64 with five cards dealt 65 as depicted in Fig. 6); selecting one or more of the intermingled selectable objects and revealing one or more indicia associated with the selected objects (e.g. player 60 is selected and cards 65 in the respective player 60 is revealed as depicted in Fig. 7; col. 7, lines 7-10); and revealing, in a second display image, the one or more indicia associated with the selected objects in a first region (e.g. the selected object 60 and its associated indicia 67 as depicted in Fig. 8), at least one of the indicia associated with the selected objects in the second display image is in a different location in the second display image than the respective

location in the first display image of the selectable object associated with the indicia(e.g. the location of the cards indicia associated with the selected player 60 is different from the location of the selectable players 60-64 as depicted in Fig. 8. The location of the revealed cards in Fig. 3 are in different locations as that of the revealed cards in Fig. 5.), and one or more indicia associated with the unselected objects of the selectable objects in a second region distinct from the first region (Fig. 8), the location of at least one of the indicia associated with the unselected objects in the second display is in a different location than the location of the respective location of the selectable object associated with the indicia in the first display image (e.g. the location of the cards indicia associated with the unselected players 61-64 and the location of the of the respective selectable players 60-64 are different as depicted in Fig. 8).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 7, 13-14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angel (U.S. Patent No. 6,695,695) in view of Hughs-Baird et al (U.S. Patent No. 6,439,995).

Re claims 2 and 13, Angel does not explicitly disclose displaying the plurality selectable objects occurs in a bonus game. Hughs-Baird et al discloses displaying the plurality

selectable objects occurs in a bonus game (col. 5, lines 31-35). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply displaying the plurality selectable objects in a bonus game as taught by Hughs-Baird et al to the method of Angel in order to provide the player a selection bonus game. Re claims 3 and 14, Hughs-Baird et al discloses displaying the plurality of selectable objects occurs in a basic game (Fig. 1).

Re claim 4, Angel does not disclose that the indicia are indicative of an award, an end bonus marker, or a trigger for another game feature. However, Hughs-Baird discloses that the indicia are indicative of an award (col. 2, lines 52-54). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to replace the cards indicia of Angle with the award indicia of Hughs-Baird et al in order to enhance exciting of the game.

Re claims 7 and 17, Hughs-Baird discloses that the second display image presents a total award based on the indicia associated with the selected objects (Fig. 3; col. 7, lines 65-67; and col. 8, line 1).

Claims 11 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angel (U.S. Patent No. 6,695,695).

Angel does not disclose presenting the first display image and the second display image on different displays. However, presenting different display images on different displays would have been well known and obvious matter of design choice.

### ***Response to Arguments***

Applicant's arguments filed 11/8/2007 have been fully considered but they are not persuasive. Applicant alleges that Angel shows the same basic image in the displays (poker players and their hands as compared between Fig. 6 and Fig. 8) and therefore the selected and unselected cards are never intermingled in the first display, nor do the locations of the objects change as between the first and second display when all their associated indicia are revealed at the end of the game. The Examiner disagrees. The cards are intermingled in the first display such that the cards are intermingled with that of a poker table and even overlapping one another when laid out on said table. Fig. 4 also displays revealed cards with that of the unrevealed cards such that the revealed and unrevealed cards are therefore intermingled with one another on the same poker table on the same display. The location of the cards indicia associated with the unselected players 61-64 and the location of the respective selectable players 60-64 are different as depicted in Fig. 8.

Applicant also alleges that Angel does not disclose a second display image distinct from the first display image and that Angel only discloses a single display image (a card



table) as shown in Figures 6-8. Further, Angel never intermingles the objects as the hands that a player may select are not intermingled with other potential hands. The Examiner disagrees. Angel does display a second display image distinct from the first display image. The claim discloses that a second display image is to be distinct from the first display image and replacing the first display image in whole or in part. In this case, part of the second display image is distinct from the first display image such that the cards are now revealed and no longer masking the hands. Much like how it how the "first display image includes a particular background setting such as a picnic campground as shown in Figs. 5-6 and the intermingled objects (i.e., a picnic basket, a tent, a thermos, etc.) are part of that setting", the poker cards are intermingled with that of the setting as well, that being the top of a poker table.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

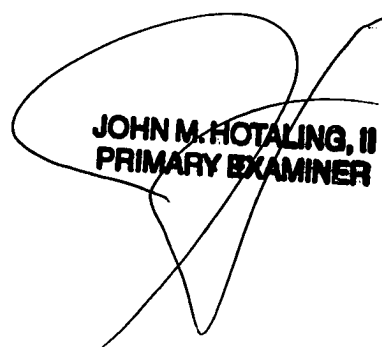
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey K. Wong whose telephone number is (571)270-3003. The examiner can normally be reached on M-Th 8:30am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JKW

  
**JOHN M. HOTALING, II**  
**PRIMARY EXAMINER**